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**Health Care & Wellness Committee**

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**HB 2228**

**Brief Description:** Allowing for redistribution of medications under certain conditions.

**Sponsors:** Representatives Jinkins, Appleton, Reykdal, Stanford, Ryu, Maxwell, Pollet, Ormsby, Cody, Upthegrove, Roberts, Kagi, Wilcox, Ladenburg and Hasegawa.

**Brief Summary of Bill**

- Allows pharmacies to accept donations of unused and unopened prescription drugs and supplies from healthcare practitioners and medical facilities for redistribution to low-income, uninsured, or individuals otherwise in need.
- Requires pharmacies and medical facilities to inspect donated prescription drugs and supplies prior to redistribution to ensure that the prescription drugs and supplies meet certain quality-control criteria.
- Establishes legal immunity for dispensing facilities and pharmaceutical manufacturers.

**Hearing Date:** 1/12/12

**Staff:** Valerie Rickman (786-7119) and Chris Blake (786-7392).

**Background:**

Over 35 states have prescription drug redistribution laws. These laws allow certain entities, such as medical facilities or consumers, to return unopened and unused prescriptions to a designated collection entity for redistribution to uninsured or low-income individuals. States with redistribution laws have reported total cost savings to recipients ranging from \$15,000 to over \$750,000 per year.

Washington does not prohibit pharmacies from redistributing unused and unopened prescription drugs. Board of Pharmacy rules allow pharmacies and medical facilities to accept prescription drugs for return under certain circumstances; however, Washington does not provide pharmacies

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and medical facilities operating redistribution programs with the legal protections that are characteristic of prescription drug redistribution laws.

**Summary of Bill:**

Pharmacies and medical facilities may operate prescription drug redistribution programs. Participating pharmacies may collect donated prescription drugs and supplies from practitioners and medical facilities and distribute donated prescription drugs directly to priority individuals or another medical facility or pharmacy for redistribution. Medical facilities that receive donated prescription drugs from a pharmacy may also redistribute donated prescription drugs to priority individuals.

Priority individuals are uninsured and low-income individuals. When distributing donated prescription drugs, pharmacies and medical facilities shall give preference to priority individuals; however, pharmacies and medical facilities may distribute donated prescription drugs to other individuals in need if priority individuals are not in need of an available drug.

Pharmacies may accept and dispense donated prescription drugs and supplies only if the pharmacy determines that the prescription drugs and supplies meet certain quality control conditions:

- The donated prescription drug must be in its original sealed and tamper evident packaging or in an intact single unit dose package.
- The expiration date must be more than six months after the donation date.
- A pharmacist must inspect the donated prescription drug or supply and find that it is not adulterated or misbranded.
- The prescription drug was prescribed by a practitioner to an eligible individual and dispensed by a pharmacist.

Any person, such as a pharmacy or medical facility, who collects and dispenses donated prescription drugs and supplies acting in good faith is eligible for immunity from criminal prosecution, professional discipline, and civil damages. The immunity applies as long as a person meets the quality control conditions; establishes procedures for identifying patients that are eligible for donated prescriptions; maintains records of donated prescription drugs and supplies; and notifies the public of the facility's participation in dispensing donated prescription drugs and supplies.

Manufacturers of prescription drugs that are collected and redistributed under this program are immune from criminal prosecution and civil damages associated with redistribution.

**Appropriation:** None.

**Fiscal Note:** Requested on January 6, 2012.

**Effective Date:** The bill takes effect on July 1, 2013.